

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LEE BORTHWICK,

Plaintiff,

-v.-

RARECULTURE LLC, MARCO BEACH  
HOTEL, INC., and EAO, INC.,

Defendants.

20 Civ. 1973 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

The Court has been informed that the parties have reached a settlement in this matter. All deadlines and conferences are hereby adjourned.

Furthermore, the Court ORDERS that this action be conditionally discontinued without prejudice and without costs; provided, however, that on or before **April 12, 2021**, the parties may submit to the Court their own Stipulation of Settlement and Dismissal for the Court to So Order. Otherwise, within such time Plaintiff may apply by letter for restoration of the action to the active calendar of the Court in the event that the settlement is not consummated.

Upon such application for reinstatement, the parties shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket, and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within ten (10) days of the application, to schedule remaining pretrial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event that Plaintiff has not

requested restoration of the case to the active calendar on or before **April 12, 2021**.

The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case.

SO ORDERED.

Dated: March 11, 2021  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

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KATHERINE POLK FAILLA  
United States District Judge